

App. Serial No 10/539,224  
Docket No.: BE020043US

### Remarks

Claims 1-10 are currently pending in the patent application. For the reasons and arguments set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

The instant Office Action dated June 7, 2007 indicated a request to add section headings, an objection to the title of the invention, an objection to the disclosure due to informalities, an objection to claim 1, and listed the following rejections: claims 1, 2 and 8-10 stand rejected under 35 U.S.C. § 102(b) over Wu (U.S. Patent No. 6,348,390); and claims 3-7 stand rejected under 35 U.S.C. § 103(a) over Wu in view of Hashimoto (U.S. Patent Pub. No. 2001/0003056).

Regarding the request to add section headings, Applicant respectfully declines to add section headings to the specification because the indicated suggestions in 37 C.F.R. § 1.77(b) are not statutorily required for filing a non-provisional patent application under 35 USC § 111(a), but per 37 C.F.R. § 1.51(d) are only guidelines that are suggested for applicant's use. They are not mandatory, and when Rule 77 was amended in 1996 (61 FR 42790, Aug. 19, 1996), Bruce A. Lehman, Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, stated in the Official Gazette:

"Section 1.77 is permissive rather than mandatory. ... 1.77 merely expresses the Office's preference for the arrangement of the application elements. The Office may advise an applicant that the application does not comply with the format set forth in 1.77, and suggest this format for the applicant's consideration; however, the Office will not require any application to comply with the format set forth in 1.77."

In view of the above, Applicant prefers not to add section headings.

Regarding the objection to the title of the invention, Applicant submits that the title is clearly indicative of the invention to which the claims are directed and is thus in compliance with M.P.E.P. §§ 606 and 606.01. As such, Applicant requests that the objection to the title be removed.

Regarding the objection to the disclosure, Applicant has amended the Specification (as indicated on page 2 of this paper) to replace "MOST" with "MOSFET" as suggested by the Examiner. Thus, Applicant requests that the objection to the disclosure be removed.

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Regarding the objection to claim 1 based upon the claim language "method a semiconductor body" and "method a source region", Applicant notes that this language is no longer present in claim 1. Thus, Applicant requests that the objection to claim 1 be removed.

Applicant respectfully submits that the Section 102(b) rejection of claims 1, 2 and 8-10 cannot stand based on the cited portions of the Wu reference, this reference does not appear to correspond to the claimed invention, which is, in part, directed to removing the sacrificial region after forming the source and drain regions. The Office Action cites Wu's first dielectric layer 14 as allegedly corresponding to the claimed sacrificial region. However, the cited portions of Wu teach that first dielectric layer 14 is removed prior to both the depositions of the first metal layer 26 and the subsequent formation of source/drain junctions. *See, e.g.*, Figure 6 and Col. 5:32-53. Thus, Wu's source and drain are not formed prior to the removal of the sacrificial region as in the claimed invention. Moreover, the cited portions of Wu fail to correspond to claim limitations directed to a metal layer being formed on the source and drain regions, as the cited portions of Wu teach that first metal layer 26 is deposited on substrate 2 prior to the implantation of the source/drain. Accordingly, Applicant requests that the Section 102(b) rejection of claims 1, 2 and 8-10 be withdrawn.

Applicant respectfully submits that the Section 103(a) rejection of claims 3-7 cannot stand because the cited portions of the Wu reference do not correspond to all of the claim limitations as discussed above in relation to the Section 102(b) rejection of claim 1. In at least this regard, the Section 103(a) rejection of claims 3-7 is improper because these claims depend from claim 1. Therefore, Applicant requests that the 103(a) rejection of claims 3-7 be withdrawn.


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In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Peter Zawilski, of NXP Corporation at (408) 474-9063 (or the undersigned).

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